

Overview

The Town of Abingdon is updating, modernizing, and restructuring the zoning and subdivision ordinances into one seamless regulatory document. The revised zoning and subdivision ordinance will:

- Provide streamlined and user-friendly regulations;
- Incorporate best planning practices and current state code requirements;
- Address the goals and strategies identified in the Comprehensive Plan; and,
- Consider citizen needs and issues identified through the public engagement process.

This process is being guided by Town staff, the Planning Commission, and Town Council with opportunities for input from stakeholders and citizens. To review the Zoning and Subdivision Diagnostic and to stay updated on the project, visit: <https://abingdon-va.gov/zoning-subdivision-ordinance-update/>.

Agenda

The February 28th meeting will focus on reviewing the proposed articles titled In General, Administration, Permits and Applications, Nonconforming Uses, Lots, and Structures, and Subdivisions (**Attachment B**). The following agenda is provided as an outline for discussion:

1. Schedule & Progress to Date – 5 minutes
2. New Business
 - a. In General – 5 minutes
 - b. Administration – 15 minutes
 - c. Permits and Applications – 15 minutes
 - d. Nonconforming Uses, Lots, & Structures – 10 minutes
 - e. Subdivisions – 15 minutes
3. Next Steps – 10 minutes

1. Schedule & Progress to Date

The project schedule is provided in **Attachment A**. Progress to date, in reverse chronological order, includes:

- **Abingdon Staff Review and Worksessions with Planning Commission** – With recent transitions, Abingdon staff has conducted a full review of the ordinance and reviewed questions with the Planning Commission during the January meeting.
- **Planning Commission Meeting #3** – The Berkley Group held the third worksession with Planning Commission on September 27, 2021. The focus of this meeting was to establish the Use Performance Standards, Community Design Standards, and Flood Hazard Overlay.
- **Planning Commission Meeting #2** – The Berkley Group held the second worksession with Planning Commission on June 28, 2021. The focus of this meeting was to establish the district dimensional standards and by-right and special uses. (See summary memo for discussion notes.)
- **Planning Commission Meeting #1** – The Berkley Group held the first worksession with Planning Commission on April 26, 2021. The focus of this meeting was to receive direction from Planning Commission on key policies for the ordinance update.

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- **Public Engagement** – An online public survey was conducted between March 8-April 8. The Berkley Group also held stakeholder interviews and a public workshop on April 1 to collect feedback on priorities for the ordinance update.
- **Council Kickoff** – The Town Council kickoff was held on March 1, 2021. Town Council provided guidance on important land use and zoning issues as well as suggestions to consider during the public input phase and ordinance drafting.

2. Article Reviews

Drafted articles have been provided for staff review and edits have been incorporated based on staff comment. The revised draft articles are provided in **Attachment B**, please consider the editor's footnotes provided to aid in review. The footnotes explain the inclusions, modifications, and deletions of text. Specifically, the PC should consider:

- Article II, Administration: The membership of the BZA can be extended to include alternates that may stand in when regular members will be absent. The Town should consider if they desire adding the measure.
- Article II, Administration: The existing ordinance requires the PC to review Certificates of Appropriateness within the Historic Entrance Corridor Overlay District and the HPRB reviews Certificates of Appropriateness within the Old and Historic District. The PC should consider if all Certificates of Appropriateness should be reviewed by the HPRB.
- Article III, Permits & Applications: The application requirements for rezoning, conditional rezoning and special use permits now include concept plans instead of preliminary site plans. This is a business-friendly method to receive basic plans without being cost prohibitive. Preliminary site plans are required in the OH and EC districts and must have HPRB and/or PC approval. All other site plans are proposed to be administratively approved. The Town should consider if this streamlined process is appropriate.
- Article III, Permits & Applications: The existing ordinance requires that new signs in the Old and Historic District be approved by the HPRB. Abingdon staff has recommended this be an administrative approval. The text has been drafted to exclude signs from requiring a Certificate of Appropriateness and therefore allowing administrative review and approval. The PC should confirm agreement with this change.

3. Article I – In General

This article contains the purpose and applicability sections of the Zoning and Subdivision Ordinance. These are based on Virginia Code. References to the applicable code sections are included where necessary. In addition, this article contains general management items, such as, requiring conformity with the ordinance, addressing conflicting ordinances, and the effective date.

4. Article II – Administration

This article covers the administration of the Zoning and Subdivision Ordinance. The powers and duties of the Zoning Administrator, Subdivision Agent, and Board of Zoning Appeals are specifically as enumerated in Virginia Code. The Planning Commission appointment, powers, and procedures are supplied with reference to Virginia Code and Town Code instead of enumerating them, to prevent conflicting text. The

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Historic Preservation Review Board appointment, powers, and duties are also included in this article. References to Virginia Code are included for informational purposes and to streamline the article text.

Enforcement is authorized through Virginia Code. As allowed by Virginia Code, penalties for violations utilize both criminal and civil penalty options. The penalty amounts have been updated to reflect the Virginia Code.

Fees are addressed in this article by reference to a separate fee schedule, which is a recommended best practice. The requirement to pay all applicable taxes and charges is also included in the article, as allowed by Virginia Code.

5. Article III – Permits and Applications

This article outlines the following zoning permit and application requirements and processes:

- Zoning Text Amendments (Rezoning) and Map Amendments
- Conditional Zoning and Proffers
- Special Use Permits
- Variances
- Certificates of Appropriateness and Other Historic Permissions
- Site Plans
- Zoning Permits
- Certificates of Occupancy
- Written Determinations
- Appeals
- Public Notice

Staff was consulted on current requirements and processes, which were then compared for conformance with State Code. Noteworthy changes to this article include:

- Concept plans have been added as a requirement for rezonings, conditional rezoning applications, and special use permits, as opposed to a site plan. This is a recommended best practice supported by town staff. A basic overview of concept plans is attached for reference.
- Sign permits within the Old & Historic District will no longer be subject to a certificate of appropriateness per staff recommendation.
- Final site plans for rezonings, conditional use permits, special use permits, and other developments that require such plans will be administratively approved. This is a business-friendly best practice.
- Other developments requiring site plans are clearly outlined in the article and include a list of exceptions recommended by staff.
- Public notice was included as a separate Division that references Virginia Code and covers all public hearings to streamline the article text.
- The various appeals are grouped together under one Division for ease of use and reference the appropriate Virginia Code section.

6. Article IX – Nonconforming Uses, Lots, and Structures

This article is dictated by Virginia Code and addresses those instances where an existing lot, use, or building does not meet the standards outlined in the Ordinance. For ease of administration, sections are divided to address lots, uses, and buildings separately. A basic overview of zoning nonconformity is also attached for reference.

Time limits and basic restrictions are maintained as provided in the existing ordinance and as allowed by Virginia Code. One change includes increasing the allowable value of repairs from 10% to 20% of the replacement value of the structure. This eases restrictions and allows more improvement of nonconforming structures. Additionally, nonconforming uses will no longer be required to obtain a zoning permit within 60 days of the adoption of the ordinance. This requirement is not provided by the Code of Virginia and is not recommended as a best practice.

7. Article X – Subdivisions

This article will take the place of the Town Subdivision Ordinance. Code of Virginia requires every locality to ensure the orderly division of land. Virginia Code also dictates many subdivision requirements including, but not limited to, when bonds can be required; allowance of partial release of bonds; when preliminary plats can be required; and the length of validity of approved plats. This article has been revised to include Virginia Code requirements and references, as appropriate. The article has been reorganized for readability and enforcement. Major edits based on best practice include:

- The authority on changes to approach angle, right-of-way grading, access, and other street design requirements has changed from the Planning Commission to the Town Council.
- Per Virginia Code, preliminary plats are only required for subdivisions of more than 50 lots. The text has been drafted to comply with Virginia State Code, requiring them for more than 50 lots but allowing them as option for the applicant at other times.
- New text was including allowing administrative approval of single lots and minor subdivisions (3 or less lots). This is a recommended best practice that eases PC and applicant burdens.
- The proposed text provides that the Town Council is the approving authority on major subdivisions (4 or more lots).

8. Next Steps

Article XI – Definitions will be provided will be provided for staff and PC to review. The Berkley Group will review recommendations from this worksession, definitions, and any outstanding items and update the ordinance text. Topics to be discussed at the next meeting (Tentatively April 25, 2022) include:

- Illustratives
- Zoning Map
- Final wrap-up prior to Open House